

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

FILED IN OPEN COURT *ur*
ON 3/29/2012
Julie A. Richards, Clerk
US District Court
Eastern District of NC

United States of America

v.

Rashawn LaDon Smith

Case No: 4:08-CR-82-1BO

USM No: 51476-056

Date of Original Judgment: 09/15/2009

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Thomas P. McNamara

Defendant's Attorney

ORDER REGARDING MOTION FOR SENTENCE REDUCTION PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____

The amendment is applicable to the defendant, but does not have the effect of lowering the guideline imprisonment range because the low end of the revised range is the mandatory minimum sentence. Therefore, the defendant is not eligible for relief under this provision.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment(s) dated September 15, 2009 shall remain in effect. **IT IS SO ORDERED.**

Order Date: 3-29-12

Terrence W. Boyle

Judge's signature

Effective Date: _____

(if different from order date)

Terrence W. Boyle, U.S. District Judge

Printed name and title